

REMARKS

Claims 1-93 are pending in this application. By this amendment, claims 1, 43, 61 and 75 are amended.

Reconsideration and allowance in view of the following remarks are respectfully requested.

No new matter has been added by this amendment. Support for the amendments to the claims may be found, for example, in the Abstract and paragraphs 0051-0054, 0073-0079, 0087, 0115, 0121, and 0124 of the published patent application 2002/0077978.

A. The 35 U.S.C. 112 Rejection

On page 2, the Office Action rejects claim 75 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Office Action asserts:

... Specifically, claim 75 recites a system, but it is unclear if applicant is claiming an apparatus or a method. Accordingly, the claim recites the system comprising a first processor generating payment identification ... " and "a second processor ... receiving the payment identification ... " As such, the claim recites both the structure of a system, and the method steps of a system, and it is not clear which statutory category is being claimed.

Applicant respectfully submits that claim 75 satisfies the requirements of 35 U.S.C. 112. Claim 75 is directed to a system. The system includes a first processor and a second processor. The features of such processing components are defined using functional language.

Further, claim 75 is amended to clarify the claimed invention and the nature of such.

Applicant submits that the claims satisfy 35 U.S.C. 112. Accordingly, applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §112.

B. The 35 U.S.C. 101 Rejection

In the Office Action, claims 1-74 and 88-93 are rejected under 35 U.S.C. 101. The Office Action asserts the claimed invention is directed to non-statutory subject matter. In particular, the Office Action asserts:

Specifically, the claim are directed to a system comprising a "system" and various "interfaces" (according to claims 1 and 43) or a "system" and various "software components" (according to claim 61). Therefore, the system could be considered to be entirely comprised of software. Since software, per se, is not a patentable subject matter, the claims are directed to a non-statutory invention.

The claims are amended to further satisfy 35 U.S.C. 101. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §101.

C. The Allowable Subject Matter

The Office Action indicates the subject matter of claims 1-93 is considered allowable over the prior art.

As discussed above and based on the amendments set forth herein, Applicant submits that the claims satisfy 35 U.S.C. 101 and 112.

Accordingly, all claims should be in condition for allowance.

D. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date:

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